

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 3-05-CR-140

3-07-CV-275

District Judge Thomas M. Rose

BRUCE D. THORNTON,

Defendant,

**ENTRY AND ORDER OVERRULING DEFENDANT'S OBJECTIONS (DOC. #70) AND
ADOPTING THE CHIEF MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATIONS (DOC. #66) DISMISSING WITH PREJUDICE DEFENDANT'S
AMENDED MOTION TO VACATE UNDER 28 U.S.C. 2255 (DOC. #61), DENYING
PETITIONER CERTIFICATE OF APPEALABILITY AND TERMINATION ENTRY.**

This matter comes before the Court pursuant to the Defendant's Objections (Doc. #70), filed December 28, 2007, to the Chief Magistrate Judge's Report and Recommendations (Doc. #66) filed December 10, 2007. The Court has conducted a de novo review of all filings in this matter and finds the Objections (Doc. #70) not to be well-founded and OVERRULES same, ADOPTING the Chief Magistrate Judge's Report and Recommendations (Doc. #66) DISMISSING Petitioner's Amended Motion to Vacate under 28 U.S.C. 2255 (Doc. #61) with prejudice.

Defendant's position that he had no understandings, there were no promises made to him other than those set forth in the plea agreement and/or that he is not guilty is belied by his own sworn testimony at the time of his plea colloquy.

This Court would also prospectively find that no reasonable jurist would dispute this result and would DENY any requested certificate of appealability and leave to proceed in forma pauperis on appeal.

Therefore, this Court DISMISSES the Defendant's Amended Motion to Vacate under 28 U.S.C. 2255 (Doc.# 61), with prejudice.

This matter is hereby ORDERED terminated upon the docket records of the United States District Court, Southern Division at Dayton, Ohio.

January 22,2008

s/THOMAS M. ROSE

JUDGE THOMAS M. ROSE
United States District Court